Remarks

In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are requested.

A number of editorial amendments have been made to the specification and abstract. It is submitted that no new matter has been added to the application via such amendments.

Claims 1-3 and 7-10 have been rejected under 35 U.S.C. §102(b) as being anticipated by Toshiyuki (JP 2000-322818). Claim 4 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Toshiyuki in view of Yamagami (US 6,256,282).

Claims 1, 7 and 9 have been amended so as to further distinguish the present invention, as recited therein, from the references relied on in the above-mentioned rejections.

Further, claims 1, 3, 4, 7 and 9 have been amended to make a number of editorial revisions thereto. These revisions have been made to place the claims in better U.S. form. None of these amendments have been made to narrow the scope of protection of the claims, or to address issues related to patentability, and therefore, these amendments should not be construed as limiting the scope of equivalents of the claimed features offered by the Doctrine of Equivalents.

In addition, claims 2, 5, 6, 8 and 10 have been canceled without prejudice or disclaimer to the subject matter contained therein. Also, new claim 11 has been added.

The above-mentioned rejections are submitted to be inapplicable to the amended claims for the following reasons.

Claim 1 is patentable over Toshiyuki, since claim 1 recites an optical disc including, in part, a drive information area comprising a plurality of clusters, each cluster comprising a plurality of sectors, each sector having capacity for storing one record of drive-specific information, the plural records of drive-specific information being arranged in an order in which the plural records were recorded with a last-recorded record of the plural records of drive-specific information located first in a read sequence, new drive specific information being newly recorded to a first sector in a new cluster, and information from all sectors except a last sector in an immediately proceeding cluster being newly recorded to sectors following the first sector in the new cluster. Toshiyuki fails to disclose or suggest these features of claim 1.

Toshiyuki discloses an information recording medium including a drive information field 502 including a first drive information field 502a for recording first drive information 521 and a

second drive information field 502b for recording second drive information 522. The first and second drive information fields 502a and 502b are used to provide redundancy in case one is rendered unreadable. Each of the first drive information 521 and the second drive information 522 includes two to sixteen record/playback conditions 521a. The record/playback conditions 521a are stored from newest to oldest. During operation, if it is determined that none of the sixteen record/playback conditions 521a stored in the first and second drive information fields 502a and 502b is acceptable, a new record/playback condition 521a is determined for the information recording medium and the first and second drive information fields 502a and 502b are updated to include the new record/playback condition 521a. The updating of the first and second drive information fields 502a and 502b includes overwriting oldest previously stored record/playback condition 521a with the new record/playback condition 521a and changing the order of storage of the record/playback conditions 521a accordingly. (See paragraphs [0009] – [0012], [0014], [0015] and [0132]-[0134]).

Based on the above discussion, it is apparent that Toshiyuki discloses that one of the recording/reproducing conditions 521a stored in the first and second drive information fields 502a and 502b is overwritten when the new recording/reproducing condition 521a is to be stored therein. On the other hand, claim 1 recites that the new drive-specific information is newly recorded to a first sector in a new cluster, and information from all sectors except a last sector in an immediately proceeding cluster is newly recorded to sectors following the first sector in the new cluster. Toshiyuki fails to disclose or suggest the recording of the new recording/reproducing condition 521a in a new cluster along with information from an immediately proceeding cluster as is recited in claim 1. As a result, claim 1 is patentable over Toshiyuki.

Regarding Yamagami, it is relied upon as disclosing an optical disc including a plurality of recording layers each read by a read beam from a same side of the optical disc. However, Yamagami fails to disclose or suggest the above-discussed features of claim 1.

Regarding claims 7 and 9, they are patentable over Toshiyuki and Yamagami for reasons similar to those set forth above in support of claim 1. That is, claims 7 and 9 each recite, in part, at a time of recording new drive-specific information, the new drive-specific information is written to a first sector in a new cluster, and information from all sectors except a last sector in

an immediately proceeding cluster is written to remaining sectors following the first sector in the new cluster, which features are not disclosed or suggested by the references.

Because of the above-mentioned distinctions, it is believed clear that claims 1, 3, 4, 7, 9 and 11 are patentable over the references relied upon in the rejections. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 1, 3, 4, 7, 9 and 11. Therefore, it is submitted that claims 1, 3, 4, 7, 9 and 11 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

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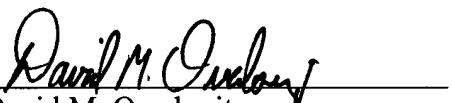
By: 

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ABSTRACT

Drive information is updated to always include the recording/playback conditions determined from the most recent learning process on a data recording medium. The data recording medium has a data recording area for recording data, and a drive information area for recording drive information. The drive information includes a plurality of drive-specific information records. Each of the plural drive-specific information records defines the operating conditions of the data recording and playback apparatus when a data recording and playback apparatus that can load and access the data recording medium reads or writes data. The plural drive-specific information records are arranged chronologically according to when the information was recorded to the data recording medium.